

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 19-cr-257-MJD-KMM

Plaintiff,

v.

ORDER

Amanda Marie Letourneau (1),

Michael Allen Voelz (2),

Defendants.

This matter is before the Court on motions for discovery and disclosure filed by the government and Defendants Amanda Marie Letourneau and Michael Allen Voelz. The Court held a hearing on the motions on February 6, 2020. Based on the motions that were filed, the written responses, and the arguments presented at the hearing, the Court enters the following Order.¹

1. The Government's Motion for Discovery (ECF No. 26)

The government's motion for discovery of information pursuant to Rule 16 of the Federal Rules of Criminal Procedure is **GRANTED**. The defendants shall provide discovery and disclosures as required by the Fed. R. Crim. P. 16.

2. Ms. Letourneau's Motion for Disclosure of Informants (ECF No. 41)

Ms. Letourneau's motion to disclose the identity of the government's informant and to make that informant available for interview is **GRANTED IN PART AND TAKEN UNDER ADVISEMENT IN PART**. The government must disclose the identity of any informant that it decides to call for testimony at trial at least **three weeks** before trial. Ms. Letourneau may include in her written submissions to the

¹ The Court will separately issue a report and recommendation on Ms. Letourneau's Motions to Suppress (ECF Nos. 38, 40).

Court arguments regarding whether she is entitled to the disclosure of the identity of the confidential informants regardless of whether they are called at trial.

3. Ms. Letourneau's Motion for Disclosure of 404(b) Evidence (ECF No. 42)

Ms. Letourneau's motion for disclosure of Rule 404(b) evidence is **GRANTED**. The government shall disclose any evidence it intends to offer at trial pursuant to Fed. R. Evid. 404(b) at least **three weeks** before trial.

4. Ms. Letourneau's Motion for Disclosure of Jencks Act Material (ECF No. 43)

Ms. Letourneau's motion for early disclosure of Jencks Act material is **DENIED**. The Jencks Act provides that the government "need not produce Jencks statements prior to a witness' testimony on direct examination." *United States v. Douglas*, 964 F.2d 738, 741 & n.2 (8th Cir. 1992) (citing 18 U.S.C. § 3500(b) and discussing the government's option to make earlier voluntary disclosure, such as through an "open file policy"). The government is strongly encouraged to disclose any Jencks Act material as early as possible. To the extent any Jencks Act material has not yet been shared, the government has agreed to provide it to the defense no later than three days before trial.

5. Ms. Letourneau's Motion for Disclosure of Favorable Evidence (ECF No. 44)

Ms. Letourneau's motion for disclosure of favorable evidence is **GRANTED**. The government is obligated to disclose evidence favorable to the defendants as required by *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and their progeny. These cases place an ongoing obligation on counsel for the government to disclose exculpatory evidence and impeachment material to the defendants.

6. Ms. Letourneau's Motion for Discovery (ECF No. 45)

Ms. Letourneau's motion for discovery and inspection is **GRANTED** to the extent it seeks discovery and disclosure consistent with Fed. R. Crim. P. 16. The government shall continue to comply with its discovery and disclosure obligations.

7. Ms. Letourneau's Motion to Retain Rough Notes (ECF No. 46)

Ms. Letourneau's motion for government agents to retain rough notes is **GRANTED**. Disclosure of rough notes is not required by this paragraph.

Date: February 11, 2020

s/ Katherine Menendez

Katherine Menendez

United States Magistrate Judge